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FILED  
Clerk  
District Court

DEC 28 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

<b>PATTI C. BALLONE, ET AL.,</b>	)	<b>CIVIL CASE NO. 03-0013</b>
	)	
<b>Plaintiffs,</b>	)	
	)	<b>NOTICE OF MOTION AND</b>
<b>v.</b>	)	<b>DEFENDANTS AND THIRD-PARTY</b>
	)	<b>PLAINTIFFS' MOTION TO DISMISS</b>
<b>BERT D. MONTGOMERY, ET AL.,</b>	)	<b>AND FOR OTHER RELIEF</b>
	)	
<b>Defendants.</b>	)	<b>Date : February 9, 2006</b>
	)	<b>Time : 9:00 a.m.</b>
	)	<b>Judge: Alex R. Munson</b>
<b>DAVID H. SCHMIDT, ET AL.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	

1 **BERT D. MONTGOMERY, ET AL.,** )  
 2 )  
 3 **Defendants,** )  
 4 )  
 5 **v.** )  
 6 **UNITED FOREX EXCHANGE, ET AL.,** )  
 7 )  
 8 **Third-Party Defendants.** )  
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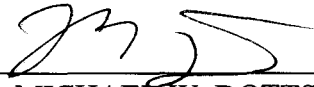
COME NOW Defendants and Third-Party Plaintiffs Paul Calvo, Edward Calvo and Thomas JM Calvo, and the JLH Pacific Trust, by and through counsel, and GIVES NOTICE that on February 9, 2006, at 9:00 a.m., or as soon thereafter as the matter may be heard, the Movants will move and hereby do move pursuant to Federal Rules of Civil Procedure 41(a)(2), to dismiss the remainder of this action with prejudice. The Movants will further move and hereby do move that the balance of funds with the Indemnification Trust Account be released in accordance with the settlement agreement and that the Movants be exonerated pursuant to 28 U.S.C. § 1335.

This Motion is supported by the documents already on file with this Court, a Memorandum in Support, filed herewith, a [Proposed] Order, and any argument to be offered at the hearing of this Motion.

1  
2 Dated: December 28, 2005.


O'CONNOR BERMAN DOTTS & BANES

*Attorneys for Defendants and Third-Party Plaintiffs  
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